

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

BOBBY FRANCIS LOWRY V,

Plaintiff,

v.

Civ. No. 19-216 RB/GJF

NEW MEXICO DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

ORDER GRANTING LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915(b)

THIS MATTER is before the Court on Plaintiff's "Motion to Proceed In Forma Pauperis" [ECF 2] ("Motion"). The filing fee for Plaintiff's civil rights complaint [ECF No. 1] is \$350.00, which Plaintiff is required to pay notwithstanding his status as a prisoner. 28 U.S.C. § 1915(b)(1) ("[I]f a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee.").

Based on Plaintiff's financial status, however, the Court will not require him to immediately pay the entire \$350 filing fee, and neither will it assess "an *initial* partial filing fee." *Id.* (emphasis added) (requiring such an initial payment only if funds exist). Instead, the Court will order Plaintiff to "make monthly payments of 20 percent of the preceding month's income credited to [his] account" until the entire filing fee of \$350 is paid. § 1915(b)(2).

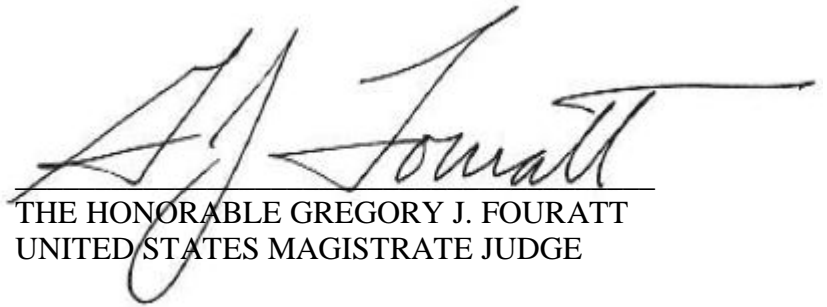
IT IS THEREFORE ORDERED that Plaintiff's Motion is **GRANTED** and payment of the *initial* partial filing fee is **WAIVED**.

IT IS FURTHER ORDERED that Plaintiff (1) file monthly financial certificates and make monthly payments of twenty percent (20%) of the preceding month's income credited to his account until the \$350 filing fee is paid or (2) show cause as to why such payments should be

excused. Plaintiff's failure to comply with this order may result in DISMISSAL of the complaint *without further notice.*

IT IS FURTHER ORDERED that the Clerk provide Plaintiff with two copies of the post-filing financial certificate.

IT IS SO ORDERED.

A handwritten signature in dark ink, appearing to read 'G. J. Fouratt', is written over a horizontal line. Below the line, the text 'THE HONORABLE GREGORY J. FOURATT' and 'UNITED STATES MAGISTRATE JUDGE' is printed in a serif font.

THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE